

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KAREN M. LEDESMA,

2:12-CV-1461 JCM (VCF)

Plaintiff(s),

V.

CAROLYN W. COLVIN,

Defendant(s).

ORDER

15 Presently before the court is Magistrate Judge Ferenbach's report and recommendation (doc.
16 # 26) that plaintiff Karen Ledesma's motion to remand (doc. # 22) be denied. No objections have
17 been filed and the deadline to do so has passed.

18 This court “may accept, reject, or modify, in whole or in part, the findings or
19 recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects
20 to a magistrate judge’s report and recommendation, then the court is required to “make a de novo
21 determination of those portions of the [report and recommendation] to which objection is made.”
22 28 U.S.C. § 636(b)(1).

23 Where a party fails to object, however, the court is not required to conduct “any review at all
24 . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).
25 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate
26 judge’s report and recommendation where no objections have been filed. *See United States v.*
27 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the

1 district court when reviewing a report and recommendation to which no objections were made); *see*
2 *also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's
3 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any
4 issue that is not the subject of an objection."). Thus, if there is no objection to a magistrate judge's
5 recommendation, then this court may accept the recommendation without review. *See, e.g.*,
6 *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation
7 to which no objection was filed).

8 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
9 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation
10 and underlying briefs, this court finds good cause appears to ADOPT the magistrate's findings in
11 full.

12 Accordingly,

13 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Magistrate Judge
14 Ferenbach's report and recommendation (doc. # 26) be, and the same hereby is, ADOPTED in its
15 entirety.

16 IT IS FURTHER ORDERED that plaintiff's motion to remand (doc. # 22) be, and the same
17 hereby is, DENIED.

18 DATED September 27, 2013.

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21 **UNITED STATES DISTRICT JUDGE**
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